

DISTRICT VI ADVISORY BOARD

Minutes

**Monday
Sept 12, 2005
7:00 p.m.**

**Evergreen Recreation Center
2700 N. Woodland
Lounge/Clubroom**

The District VI Advisory Board Meeting was held at 7:00 PM at Evergreen Recreation club lounge room. In attendance were the District VI City Council Member, ten (10) District Advisory Board Members, eight (8) city staff, and nine (9) Citizens. Approximately 27 signed in.

Members Present

Marsha Carr
Bob Wine
Bickley Foster
John Van Walleghe
Darcy Weaver
Maurine Willis
Carol Skaff-alternate
Linda Matney
Charlie Claycomb-alternate
Sandra Whittington –alternate

Member Absent

Rosalie Bradley
Bob Schreck
Veronica Triana
Jaya Escobar

Guests

Listed at the end

Staff

Terri Dozal, NA
Off. TB Nikkel, Patrol North
Off. T Reynolds Patrol North
Sgt. Hungria Jr Patrol North
Donna Goltry MAPD
Jamie Prothro, Library
Off. Jansen, Patrol North
Off. Hodd

Council Member Fearey called the meeting to order at 7:02 p.m. and welcomed guests. DAB Members were asked to introduce themselves and state their representation for serving on the board.

Approval of Minutes

July 20, 2005 minutes were approved with the following amendments **(Wine/Willis 10-0)**

- **Member Matney** was listed as absent but was present.
- **Member Carr** was listed as absent but was present.
- **Page 3 under the Water/Sewer fees** a statement by **Member Foster** on automatic reader meters and presentations made about water/sewer projects should compare with cities similar to the size of Wichita were made by **Member Schreck** not **Foster**

August 1, 2005 minutes were approved with the following amendments **(Wine/Willis 10-0)**

- **Page 3 under Neighborhood Reports/Old Town** report should read the Railroad construction on weekends starting at 7 am is a problem and whom do we ask to resolve this problem.

Approval of Agenda

The agenda was approved as submitted **(Wine/Willis 10-0)**

Public Agenda

1. **Scheduled items – None were submitted**
2. **Off-agenda items- None were submitted**

Staff Presentations

3. Community Police Report

Officer Jansen- 48 Beat Patrol North stated there had been a series of arrests for tagging graffiti in the area. The arrest included four juveniles charged with 56 counts of burglary. Prostitution Stings continue along North Broadway.

Officer Bradley Hodd, Patrol West said he would assist with two neighborhood clean-ups, Indian Hills neighborhood on 9-18 and the NW Big River-9-25. Due to problems in Sims Park we are increasing patrols. At the Indian Center Keeper of Plains project we have discovered theft at the construction trailer. Riverside Park had a recent drowning in river and we found an abandoned child in the park. Officer Kyle is working with several organizations to address homeless issues.

Officer Reynolds-49 Beat Patrol North commented about the large number of burglaries in the Benjamin Hills neighborhood. The area is from the West Side of Amidon from 25th to 53rd streets and Arkansas. We have had a 200% increase of burglaries in sheds, back yards, garages and vehicles.

Sgt. Hungria- Patrol N- gave a brief background of his personal history and said he had been a community police officer in the area. He asked if there were any problems he should know about and could be contacted through email. *Hungria* said the police were going to set an action plan for dealing with the rodeos along Broadway and 23rd. **Member Foster** said he would appreciate an email about the burglaries. **Council Member Fearey** thanked *Hungria* for assisting with the rodeo and fiesta in the neighborhood.

***** **Action:** Receive and file

4. Fall Library Programs

Jamie Prothro, Director of the Evergreen Branch Library said they had a record-breaking summer youth reading program and lots of other programming for children. This is the 3rd year for the Evergreen Library and we will be starting our Fall programs. Evergreen also has seven book discussion groups and this year we are working with the league of Women Voters. *Prothro* finished saying the Main Branch and Evergreen would be hosting Hispanic Heritage events for October and November and asked DAB members to spread the news about what the library has to offer.

***** **Action:** Receive information about Library programs

5 Improvement to the Intersection of 13th and Mosley

Paul Gunzelman, Traffic Engineer started out saying this project has been in the CIP for awhile and the design was offered in 2004. The project will provide left turn lanes on 13th at Mosley with three lanes for traffic including wider turns for large trucks. This is an upgrade to what there is now. The traffic signalization will also be upgraded to provide left turn signal phases at all four approaches to the intersection. The Budget is 1.5 million leaving money in the general obligation funds for crosswalks. *Tim Austin*, commented his company will be doing the project and was asked by **Member Foster** if this would disrupt any business? Austin responded possibly a business located at the tip of the northeast corner. Also, the intersection would be

done before the Central Rail Corridor project. **Foster** also asked what does blue mean on the map? *This is for new driveways.* **Member Matney** said she passes through the area two times a day and this would be a big improvement for the intersection. **Foster** asked about 21st Street Bridge and the one-way traffic, when would this be done? *No one was sure when this project would be finished.*

******Action:** Motion to recommend approval of the project. (Matney/Carr 10-0)

6. **Arterial sidewalk program for 2005/2006.**

Paul Gunzelman, Traffic Engineer reviewed a proposal for installing sidewalk on Arkansas from 42nd to 45th Street N. *Gunzelman* said the project is \$450,000 for building arterial sidewalks and wheel chair ramps. Students walk through grass to get to Earheart School and we feel there is room to put in sidewalks. The residents have been notified of the sidewalk proposal and were told the sidewalks would be built over the winter months. **Member Carr** asked if the mature trees would be removed? The sidewalks would be five feet wide and construction would curve around the trees.

One member of the public asked why not build sidewalk from the bridge? You could use blacktop for the sidewalk on the West side. *Gunzelman* responded we will build as far as we can go.

Member VanWalleghen stated then let's put sidewalks in.

A comment was made that Earhart School is scheduled to rebuild in 2006-07.

Member Whittington asked about coordinating with USD 259 to see if they will put in the sidewalk or maybe pays for extra sidewalk to be added.

Member Carr asked if sidewalk is installed on the West side will there be a need for crosswalks?

*******Action:** Motion to recommend approval of the sidewalk project and to check if the sewer system is to be built before the sidewalks are installed. (VanWalleghen/Willis 10-0)

7. **Proposed Wichita-Sedgwick County Unified Zoning Code Amendments Relating to Sexually Oriented Businesses**

Kurt Schroeder, Director of OCI presented information on the adult entertainment establishments (or sexually oriented businesses) that are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code (UZC) within the City of Wichita. *Schroeder* stated direction was given to staff by City Council to review the ordinance and to resolve their definition. In February 2005, the Council adopted a moratorium on the issuance of permits and licenses for new adult entertainment businesses. In August 2005, the City Council extended the moratorium until November 15, 2005 to allow staff time to: draft more specific UZC and licensing ordinance amendment language; present the proposed UZC changes to District Advisory Boards for review and comment and present final proposed UZC amendments to the Metropolitan Area Planning Commission for review and public comment.

The proposal is to: 1) add the newly-defined "adult entertainment/sexually oriented business" use as a permitted business; and 2) use only in "GC" General Commercial, "LI" Limited Industrial and "GI" General Industrial zoning districts; 3) stay at least 500' away from a church, public or parochial school, public park, day care center or residential zoning district; 4) be at least 500'

away from any other adult entertainment establishment/sexually oriented business; 5) add UZC language to “amortize” any adult entertainment establishments/sexually oriented businesses in the City that become “nonconforming” due to newly adopted UZC standards/regulations. This amortization would only allow such establishments to be legally “grand-fathered” for a period of about one to two years from the date on which the new UZC regulations are adopted. City Council has recently suggested a 1-year amortization period and to prohibit “adult entertainment/sexually oriented businesses as a permitted use in the Old Town Overlay District, and also prohibit such businesses within 500’ of the Old Town Overlay District”.

DAB Members inquired/commented/asked the following: (*responses in Italics*)

- How many businesses would be affected by this change and can they be ran out of their present area? *There are a total of 16/17 businesses with 8 or 9 affected and/or closed due to non-conformance. The courts say that we have to place them somewhere.*
- It was stated other cities don’t allow them to operate. *The purpose is not to allow them near schools, churches, residents, etc. By law, we cannot exclude these establishments and must find ways to allow them to operate.*
- The one-year amortization is too short and some cities allow 2-3 years.
- Do not just consider Old Town for prohibiting these businesses but also in the central business district.
- 21st to 29th Streets are adult stores permitted in this area? *Yes, adults stores can be put in the 21st to 29th area*
- Are there restrictions on the signage for those businesses? *There is no restriction on signage.*
- I don’t believe these establishments cause as much trouble as bars
- I think it’s wrong the adult businesses would have to move after a (day care) moves in.
- I don’t like that those businesses would be grandfathered in.

Jay Hinkel, City Attorney also included current County zoning code sets the date specific on adult stores. If they are conforming to ordinance and (daycare) moves in, these stores do not have to move. There have been cases when amortization was only for 120 days. The one-year amortization will bring a challenge. The Supreme court allows certain amount of businesses to operate in Wichita and we have most of the same regulations as they have. Currently we do not restrict location and have stricter statues, but our State laws are the same.

******* Action:** District Advisory Board provided feedback and input on the proposed changes, along with receiving and filing the agenda report.

8. CSBG Review Committee

Sarah Gilbert, Career Development, presented an overview of the roles of the CSBG Review Committee. *Gilbert* explained the committee meets four times a year from 3:30 p.m. – 5:00 p.m. and requested the DAB make nominations for the area. It was commented **Member Escobar** has served now for several years, but due to her absence we can’t ask her if she would like to serve again. **Member Foster** said if **Escobar** could not serve he would be glad to serve. *Gilbert* said she could have more than one member from this area serve. She then left nomination forms for submittal.

***** **Action:** DAB members agreed the neighborhood assistant is to ask **Member Escobar** if she would like to serve again and also include **Member Foster** for submittal to serve on the CSBG Review Committee.

9. **CUP-2005-00040**

The *District VI Advisory Board (DAB)* considered a case to Amend DP-23 Marina Lake Development CUP for Parcel 10 to increase gross floor area, uses and the location of restaurant drive through windows.

The DAB Members were provided the public notice and MAPD staff comments for review prior to the meeting. *Donna Goltry, Planner* presented the case background and reviewed the staff recommendation with members and the public.

Member Wine noted to *Goltry* on Page 4 of the staff report under Public Services, this request is stating to take place on Rock Road. This was noted as an error.

Agent John Tasset stated the property is in fair condition for the building of a small strip mall. *Tasset* included the proposed recommendations offered from MAPD were agreeable with the owner and explained there would be trees planted, landscaping with good coverage from lighting and noise. There would be no direct lighting facing towards the apartments and none of the trees on the down slope to the lake would be removed.

Carolyn Emery, Manager of Marina Point Apartments asked about screening of the property, what type would it be? Also, will there be a lot of trash blowing onto our property and what type of businesses would be going in? *Emery* stated the apartments had a fence installed on the property to cut down on problems taking place.

DAB Members questions/concerns were: 1) the current CUP is located on the east and this design is opposite, why? 2) Will the Pelican Point Apartments 2nd floor get noise and light from the restaurant? 3) Is this the old Braum's store site? 4) Will lights go into the apartments from cars going along the drive though, if so a solid wall would alleviate the problem; 5) the Benjamin Hills neighborhood association wants to see something nice and clean go onto the property and 6) the land is not that stable and will be hard to keep a solid wall along the edge of property.

***** **Action Taken:** Motion to **Approve** (Carr/VanWalleghen 7-3 Weaver/Foster/Willis) CUP2005-00040 and to include a solid masonry wall to extend along the South edge of the property from the west edge of the premises.

Board Agenda

10. **Problem Properties**

- Tall weeds at Elm & Pine on Emporia Rainbow Bread.
- 1217 & 1223 Bitting - high weeds & landscape equipment
- 2410 Amidon = Automobile in driveway without license plate/ wrecked and covered with blue tarp or car cover.
- 2424 Amidon = Trailer parked in side-yard. Large pile of tree debris in yard. Large pile of tree debris in yard.
- 2520 Amidon = Car for sale parked on grass; Cars & Trucks parked in yard.
- 2526? Amidon= (Next door north of 2520) Extremely trashy place.

- 2593? Bullinger (No house number visible, located on west side of Bullinger at 25th Street) Automobile parked on grass beside driveway
- 2629 W.25th Car parked in yard. Old water heater and other trash beside house on west side.
- 2441 W. 25th Car parked in yard
- 2245 W. 25th Boat parked beside house on gravel. Trash around it.

***** **Action:** Receive and propose appropriate action.

11. Neighborhood Reports

- *North. Riverside NA*-Dedication of new bike path on September 17th at 9:30. There will be residents riding their bikes starting from La Familia center to Minisa Park where a celebrations will take place
- *Riverside Citizens Association* -Oct 11th meeting we will have a presentation on the History of the Arkansas River.
- *OCT 22nd* at 9 a.m. we will meet at the Expo Place Parking Lot for a River Clean-up
- *6th District Breakfast in August:* neighborhood issues were brought to Council Member Fearey.
- *Midtown:* Annual Walking Tour on Oct 8th & 9th. One of the homes this year will be Wellington Place at 18th & Wellington. We need volunteers to assist.

***** **Action:** Receive and file

Updates from the Council Member

With no further business to discuss, the meeting adjourned at 9:07 p.m.

GUESTS

Winona Pruitt-	43 rd Arkansas
Alice Lewis-	4160 Arkansas
Christine Eberle	1814 Joann Wichita KS N.W. Big River N.A.
Carolyn Emery	1081 S. Glendale Wichita KS Builders Inc.
Berle & Maurine	3834 Woodrow
Winona Pruitt	414 W. 43 rd N
Alice Lewis	4160 Arkansas
Terri Debelom	713 E. 13 th Cargill
Tim Austin	

Respectfully Submitted,

Terri Dozal, Neighborhood Assistant